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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARY ANN SUSSEX; MITCHELL PAE;
 MALCOLM NICHOLL and SANDY
 SCALISE; ERNESTO VALDEZ, SR. and
 ERNESTO VALDEZ, JR; JOHN
 HANSON and ELIZABETH HANSON,

Plaintiffs,

v.

TURNBERRY/MGM GRAND TOWERS,
 LLC, a Nevada LLC; MGM GRAND
 CONDOMINIUMS LLC, a Nevada LLC;
 THE SIGNATURE CONDOMINIUMS,
 LLC, a Nevada LLC; MGM MIRAGE, a
 Delaware Corporation; TURNBERRY/
 HARMON AVE., LLC, a Nevada LLC;
 and TURNBERRY WEST REALTY, INC.,
 a Nevada Corporation,

Defendants.

Case No. 2:08-cv-00773-RLH-PAL

NOTICE OF THE
 NONSIGNATORY
 DEFENDANTS' ACCEPTANCE
 OF ARBITRATION AND THE
 ARBITRATOR'S AUTHORITY TO
 DECIDE THE CLAIMS MADE BY
 OR AGAINST THEM

AND

ORDER VACATING
 DISCOVERY ORDER AND
 LIFTING STAY OF
 ARBITRATION

In response to the Court's suggestion and statement on page 3, in lines 14–18, of its Order of February 03, 2011 (Dkt. #82), a copy of which is attached as Exhibit A hereto, the Nonsignatory Defendants "choose to submit to arbitration without contesting whether they can be compelled to arbitrate . . . to avoid discovery," which the plaintiffs have initiated in complete disregard of the Court's admonition that "the discovery . . . is to be limited only to the issue of whether the Nonsignatory Defendants may be compelled to arbitrate under contract and agency principles." *Id.* at 3:25–4:2. *See, e.g.,* Plaintiffs' Amended First Request for Production of Documents to Defendant Signature Condominiums LLC, attached as Exhibit B hereto. The Nonsignatory Defendants submit to arbitration and to the Arbitrator, Brendan M. Hare, deciding the claims made by or against them in whatever manner he may choose to do so, including, as the Court pointed out, disposition by "a motion to dismiss or similar pleading based on insufficient allegations." *Id.*

By this acceptance of arbitration and relinquishment of their objection to arbitrability, the Nonsignatory Defendants request the Court to vacate its February 03, 2011, discovery order and lift the stay of arbitration imposed by the order so that this long-delayed disposition of the claims made by the plaintiffs may proceed to conclusion, as contemplated under the arbitration agreement that each claimant signed.

MORRIS PETERSON

By: 

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ORDER

IT IS SO ORDERED: The Court's Order of February 3, 2011 (Dkt. #82) is hereby vacated, and the stay of arbitration is lifted. The parties, including the Nonsignatory Defendants, shall arbitrate their claims and defenses before Arbitrator Brendan M. Hare.

Dated: _____

ROGER L. HUNT
Chief United States District Judge

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of MORRIS PETERSON, and that the following documents were served via electronic service:

NOTICE OF THE NONSIGNATORY DEFENDANTS' ACCEPTANCE OF ARBITRATION AND THE ARBITRATOR'S AUTHORITY TO DECIDE THE CLAIMS MADE BY OR AGAINST THEM AND ORDER VACATING DISCOVERY ORDER AND LIFTING STAY OF ARBITRATION

TO:

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Attorneys for Plaintiff

DATED this 9th day of February, 2011.

By: 